

REMARKS

The present amendment is submitted in response to the Office Action dated November 6, 2003, which set a three-month period response. Filed herewith is a Request for a One-month Extension of Time, making this amendment due by March 6, 2004.

Claims 1-17 are pending in this application.

In the Office Action, the drawings in the application were objected to by the draftsman as informal. Claims 1, 3, 5-6, 14, and 16-17 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,953,338 to Ma et al. Claims 2 and 7 -15 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite.

The Applicants note with appreciation the indicated allowability of claim 4, if rewritten in independent form to include the limitations of the base claim and any intervening claims.

With regard to the objection to the drawings, formal drawings for this application will be filed accordingly.

In the present amendment, claim 4 has been rewritten in independent form as new claim 18 to preserve the allowed status of that claim.

With regard to the rejection of various claims as being indefinite, the rejected claims have been amended to more clearly define the respective limitation. Regarding claim 2, the term "the resource requirement message" means that a terminal informs the central station about the capacity it wants or

intends to use. "Uplink" is a commonly known and used expression in the relevant art for a transmission from a terminal to the central station. "Direct mode phase" also is a commonly known term that means a direct communication between terminals without the involvement of the central station.

Regarding the rejection of claim 7, the Applicants respectfully disagree that this claim language is indefinite. Claim 7 defines that the predetermined amount of the reduction is selected based on a sum of the transmission time during at least one of the up-link phase or the direct-mode phase. The Applicants direct the Examiner's attention to page 10 of the specification for further clarification.

With regard to the use of the term "set or unset" state, relating to the R-bits, in claims 8 and 11, these claims have been amended to more clearly define this limitation. The Applicants direct the Examiner's attention to the specification on page 9, first paragraph, for further clarification of the terms "set" or "unset".

Regarding the rejection of claim 12 as definite, the Applicants note that on page 12, last paragraph, to page 13, first paragraph, it is described that the resource requirements occur based on individual DLC links or their properties.

Finally, claim 15 has been amended to more clearly state that the reduced transmission resource capacity relates only to an individual DLC link of said at least one terminal or to all of said at least one terminal.

The Applicants welcome further comments and suggestions from the Examiner for more clearly defining the above terms and limitations.

Turning now to the substantive rejection of claim 1 as unpatentably obvious of the Ma patent, the Applicants respectfully disagree with this conclusion. The Ma reference shows transmission resource allocation to terminals and observes overload, and does make available unused capacity to other clients. The centralized call admission control checks the request against the traffic contact and according to availability, the request is approved.

However, the Ma references does not show or suggest the first feature of claim 1, step b): there is no transmission from a terminal to the central station informing the central station about the decision regarding reduced transmission resource capacity intended to be used. Only with this information, the central station can allocated unused capacity immediately to other clients and need not wait until the use of reduced capacity is monitored. This makes capacity handling more effective and secure. The flow of transmission from a terminal can be better controlled in a simple manner.

Since Ma fails to suggest or disclose at least this one feature of claim 1, the rejection of claim 1 under Section 103 cannot be maintained. The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification. *In re Fritch*, 23 USPQ 2d 1780, 1783-84 (Fed. Cir. 1992).

For the reasons set forth above, the Applicants respectfully submit that claims 1-18 are patentable over the cited reference to Ma. The Applicants further request withdrawal of the rejection under 35 U.S.C. 103 and reconsideration of the claims as herein amended.

In light of the foregoing arguments in support of patentability, the Applicants respectfully submit that this application stands in condition for allowance. Action to this end is courteously solicited.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,



Michael J. Striker
Attorney for Applicant
Reg. No.: 27233
103 East Neck Road
Huntington, New York 11743
631-549-4700